

FREDERICK COUNTY PLANNING COMMISSION

Minutes of Meeting for  
September 10, 2014

9:30 a.m.

Members Present: Robert Lawrence, Chair; William Hall, Vice-Chair; Dwaine Robbins, Secretary; Audrey Wolfe; Bill Hopwood; Anthony Bruscia; and Blaine Young, Commissioner Liaison.

Staff Present: Gary Hessong, Acting Division Director; Jim Gugel, Planning Director; Shawna Lemonds, Planning Manager; Michael Chomel, Senior Assistant County Attorney; Ron Burns, Engineering Supervisor, Traffic/Transportation; Denis Superczynski, Principal Planner; Tolson DeSa, Principal Planner; Tim Goodfellow, Principal Planner; Mike Wilkins, Principal Planner; and Pattie Wolfgang, Administrative Specialist.

**1. MINUTES TO APPROVE**

***June 11, 2014***

**Decision:** Mr. Robbins made a motion to recommend approval of the June 11, 2014 Minutes as written. Mr. Hall 2<sup>nd</sup>.

Vote: 6-0-0-1

For: 6 – Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe

Against: 0

Abstain: 0

Absent: 1 - Young

***June 18, 2014***

**Decision:** Mr. Robbins made a motion to recommend approval of the June 18, 2014 Minutes as written. Mr. Hall 2<sup>nd</sup>.

Vote: 6-0-0-1

For: 6 – Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe

Against: 0

Abstain: 0

Absent: 1 - Young

***June 25, 2014***

**Decision:** Mr. Robbins made a motion to recommend approval of the June 25, 2014 Minutes as written. Mr. Bruscia 2<sup>nd</sup>.

Vote: 6-0-0-1

For: 6 – Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe

Against: 0

Abstain: 0

Absent: 1 - Young

***July 9, 2014***

**Decision:** Mr. Robbins made a motion to recommend approval as corrected of the July 9, 2014 Minutes as written. Mr. Bruscia 2<sup>nd</sup>.

**Vote:** 6-0-0-1

For: 6 – Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe

Against: 0

Abstain: 0

Absent: 1 - Young

***July 16, 2014***

**Decision:** Mr. Robbins made a motion to recommend approval of the July 16, 2014 Minutes as written. Mr. Bruscia 2<sup>nd</sup>.

**Vote:** 6-0-0-1

For: 6 – Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe

Against: 0

Abstain: 0

Absent: 1 – Young

***July 30, 2014***

**Decision:** Mr. Robbins made a motion to recommend approval as corrected of the July 30, 2014 Minutes as written. Mr. Hall 2<sup>nd</sup>.

**Vote:** 6-0-1-0

For: 6 – Young, Hall, Lawrence, Robbins, Hopwood, and Wolfe

Against: 0

Abstain: 1 - Bruscia

Absent: 0

***August 13, 2014***

**Decision:** Mr. Robbins made a motion to recommend approval as corrected of the August 13, 2014 Minutes as written. Mr. Bruscia 2<sup>nd</sup>.

**Vote:** 7-0-0-0

For: 7 – Young, Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe

Against: 0

Abstain: 0

Absent: 0

**2. PLANNING COMMISSION COMMENTS**

Mr. Young mentioned a recent presentation by the Builder's Association that would be beneficial for the Planning Commission to hear.

**3. AGENCY COMMENTS/AGENDA BRIEFING**

Mr. Gugel briefed the Commission on upcoming meetings in September and October. He also discussed a question raised by Mr. Lawrence regarding why the Planning Commission agendas/staff reports are not made available to the public through the County website until two days after the Commission receives its agenda packets, especially in light of the 72-hour deadline in the by-laws for public comments to be submitted. Mr. Gugel explained that the delay in posting the agenda/staff reports was requested by a former Planning Commission member to have time to review the agenda items before receiving phone calls from the public.

Mr. Gugel proposed that for the September 24<sup>th</sup> agenda and going forward, the agenda and staff reports will be made available on the County website by noon on the prior Wednesday before the meeting.

#### **4. ELECTION OF OFFICERS**

a) Rules and Procedures, Section 2-Officer and Committees:

2.1 - The commission shall organize annually in the month of September and elect a Chairman, Vice-Chairman and Secretary. (10-19-05)

Election of Chair:

Mr. Bruscia nominated Mr. Robbins. Ms. Wolfe 2<sup>nd</sup>.

Vote            6-0-1-0

For:             6 – Young, Bruscia, Hall, Lawrence, Hopwood, and Wolfe

Against:        0

Abstain:        1 - Robbins

Absent:          0

Election of Vice-Chair:

Mr. Bruscia nominated Mr. Hopwood. Ms. Wolfe 2<sup>nd</sup>.

Vote            7-0-0-0

For:             7 – Young, Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe

Against:        0

Abstain:        0

Absent:          0

Election of Secretary:

Mr. Lawrence nominated Mr. Bruscia. Mr. Hall 2<sup>nd</sup>.

Vote            7-0-0-0

For:             7 – Young, Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe

Against:        0

Abstain:        0

Absent:          0

*At this point, the meeting was presided over by Mr. Robbins.*

#### **5. EDUCATIONAL FACILITIES MASTER PLAN**

- a) Educational Facilities Master Plan- Staff presented the annual update of the Superintendent's Recommended Educational Facilities Master Plan with a request for finding of consistency with the Frederick County Comprehensive Plan.

**Staff Presentation:**

*Jim Gugel, Planning Director, Beth Pasierb, FcPs Facility Planner*

**Public Comment:**

None



**Decision:** Mr. Hall made a motion for Finding of Consistency with the Frederick County Comprehensive Plan. Mr. Lawrence 2<sup>nd</sup>.

<u>Vote</u>	7-0-0-0
For:	7 – Young, Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe
Against:	0
Abstain:	0
Absent:	0

## 6. **SITE PLAN**

- a) **Sugarloaf Elementary School** - The applicant requested Site Development Plan approval for a 725-student capacity, 2-story elementary school, (95,355 square foot gross floor area) on a 12 acre lot. Located on the south side of Stone Barn Drive; west side of Urbana Pike near its intersection with Lew Wallace Street; adjacent to Urbana Community Park in Urbana. Tax Map 96 / Parcel 267, Outlot B. Zoned: Office/research/Industrial (ORI) Planning Region: Urbana  
File: SP-13-09, Plan #14431, APFO #14433, FRO #14436, SWM #14432

**Staff Presentation:**

*Denis Superczynski, Principal Planner*

**Applicant Presentation:**

Shawn Benjaminson, Adtek Engineers, Inc.; Don Porter, Grimm and Parker Architects; Bradley Ahalt, Frederick County Public Schools

**Public Comment:**

None

**Decision:** Mr. Young made a motion to approve the Site Plan including APFO approval as presented with conditions and modifications as listed in the staff report. Mr. Hall 2<sup>nd</sup>.

<u>Vote</u>	7-0-0-0
For:	7 – Young, Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe
Against:	0
Abstain:	0
Absent:	0

- b) **Red Shedman** - The applicant requested Site Development Plan approval for a 1,766 square foot Farm Brewery Tasting Room in a portion of an existing Farm Brewery/Storage building located on a 229-acre site. Located along Glissans Mill Road, west of Wilson Road. Tax Map 70 / Parcel 28. Zoned: Agricultural (AG). Planning Region: New Market File: SP-14-05, Plan #14539, APFO #14540, FRO #14615

**Staff Presentation:**

*Tolson DeSa, Principal Planner*

**Cross Examination of Staff:**

Steve Quarles

**Applicant Presentation:**

Ron Thompson, VanMar Associates, on behalf of the Applicant, Berrywine Plantations, Inc.

**Cross Examination of Applicant:**

Steve Quarles

**Public Comment:**

Steve Quarles

Tom Barse

**Decision:** Mr. Young made a motion to approve the Site Plan as presented with conditions as listed in the staff report. Mr. Hall 2<sup>nd</sup>.

**Vote** 7-0-0-0

For: 7 – Young, Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe

Against: 0

Abstain: 0

Absent: 0

*Michele Rosenfeld, Esq., on behalf of Friends of Frederick County, requested postponement of the Tallyn Ridge case. David Severn, Esq., representing the Applicant, objected to this continuance request. Mr. Young made a motion to accept any comments received into the record up to this point, waiving the 72-hour deadline. Ms. Wolfe 2<sup>nd</sup>. The vote was unanimous in favor.*

**7. PRELIMINARY PLAN/ SITE PLAN**

- a) Tallyn Ridge - The applicant requested combined Preliminary Subdivision/Site Development Plan approval for development of 441 residential lots (241 single family detached and 200 Townhouses) on 146.6 acres site. Located on the north side of Reichs Ford Road, 300 feet east of Pinecliff Park Road. Tax Map 78 / Parcel 742, Lots 1,2,3,4 & Parcel 55. Zoned: Planned Unit Development (PUD) & Agricultural (A). Planning Region: New Market.  
File: S1166 / SP-13-17, Plan #14142, APFO #14143, FRO #14144

**Staff Presentation:**

*Tim Goodfellow, Principal Planner*

*Mike Wilkins, Principal Planner*

**Cross Examination of Staff:**

Michele Rosenfeld, Esq., representing Friends of Frederick County and Ryan Dawkins

**Applicant Presentation:**

David Severn, Esq., representing Applicant, MS Gladhill Farm, LLC; Tom Hyde, Bob Spaulding, Miller and Smith; Donavon Corum, Bowman Consulting; Mike Workoski, Wells and Associates

**Cross Examination of Applicant:**

Michele Rosenfeld, Esq., representing Friends of Frederick County and Ryan Dawkins

*Mr. Young moved to accept Ms. Rosenfeld as representative for the Friends of Frederick County and also Ryan Dawkins. Mr. Bruscia 2<sup>nd</sup>. Vote: 6-1-0-0 with Mr. Hall against.*

**Public Comment:**

Michele Rosenfeld, Esq., representing Friends of Frederick County and Ryan Dawkins  
Robert White



**Rebuttal:**

David Severn, Esq.

**Decision:** Mr. Lawrence made a motion to approve the Combined Preliminary Subdivision/Site Plan as presented with modifications and conditions as listed in the staff report and as amended and presented to staff by applicant, including APFO approval Mr. Brusica 2<sup>nd</sup>.

Vote                      7-0-0-0

For:                      7 – Young, Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe

Against:                0

Abstain:                0

Absent:                 0

*This item was heard out of sequence:*

**8. AG CLUSTER CONCEPT**

- a) Adamstown Village, Section III, Lots 1-4 - The applicant requested Concept Plan approval for a 4 lot Agricultural Cluster subdivision on a 27.27 acre property. Located on the north side of East Basford Road, 2,100 feet east of US 15. Tax Map 103 / Parcel 001. Zoned: Agricultural/Rural (A). Planning Region: Adamstown  
File: S678, Plan #14638, FRO #14550

**Staff Presentation:**

*Mike Wilkins, Principal Planner*

**Applicant Presentation:**

Lee Miller, Terra Solutions Engineering; on behalf of Applicant, I. Gerald Ginsburg

**Public Comment:**

None

**Decision:** Mr. Young made a motion to approve the Ag Cluster Concept Plan as presented with conditions as listed in the staff report, including granting a modification of the average lot size requirement in accordance with §1-19-7.300(C)(2)(c) of the Zoning Ordinance. Mr. Lawrence 2<sup>nd</sup>.

Vote                      6-1-0-0

For:                      6 – Young, Bruscia, Lawrence, Robbins, Hopwood, and Wolfe

Against:                1 - Hall

Abstain:                0

Absent:                 0

**9. IMPACT FEE ORDINANCE AMENDMENT**

- a) Staff presented an amendment to the Impact Fee Ordinance that is proposed to allow for a waiver of impact fees for new dwellings constructed on family farms.

**Staff Presentation:**

*Jim Gugel, Planning Director*

This item was for information only and no vote was taken.

**10. DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT (DRRA)**

- a) DRRA-14-06 Daysville Glen - Staff presented a draft Development Rights and Responsibilities Agreement for the proposed PUD. Consider for a determination as to consistency with the County Comprehensive Plan.

**Staff Presentation:**

*Jim Gugel, Planning Director*

**Public Comment:**

None

**Decision:** Mr. Hall made a motion that the proposed Development Rights and Responsibilities Agreement for Daysville Glen Property DRRA-14-06 is consistent with the Frederick County Comprehensive Plan. Mr. Hopwood 2<sup>nd</sup>.

Vote	2-4-0-1
For:	2 – Hall, Hopwood
Against:	4 – Bruscia, Lawrence, Robbins, and Wolfe
Abstain:	0
Absent:	1 - Young

Mr. Lawrence then made a motion that the proposed Development Rights and Responsibilities Agreement for Daysville Glen DRRA-14-06 is inconsistent with the Frederick County Comprehensive Plan. Mr. Bruscia 2<sup>nd</sup>.

Vote	4-2-0-1
For:	4 – Bruscia, Lawrence, Robbins, and Wolfe
Against:	2 – Hall and Hopwood
Abstain:	0
Absent:	1 - Young

- b) DRRA-14-07 Hogan - Staff presented a draft Development Rights and Responsibilities Agreement for the proposed PUD. Consider for a determination as to consistency with the County Comprehensive Plan.

**Staff Presentation:**

*Jim Gugel, Planning Director*

**Applicant Presentation:**

Noel Manalo, Miles & Stockbridge on behalf of the Applicants, Lawrence and Ilona Hogan

**Public Comment:**

None

**Decision:** Ms. Wolfe made a motion that the proposed Development Rights and Responsibilities Agreement for Hogan Property DRRA-14-07 is consistent with the Frederick County Comprehensive Plan. Mr. Bruscia 2<sup>nd</sup>.

<u>Vote</u>	<u>6-0-0-1</u>
For:	6 – Bruscia, Hall, Lawrence, Robbins, Hopwood, and Wolfe
Against:	0
Abstain:	0
Absent:	1 - Young

Meeting adjourned at 4:36 p.m.  
Respectfully Submitted,

	<u>10/15/14</u>
Dwaine E. Robbins, Chair	Date